

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

3. On August 13, 2008, an Order was entered, requiring Complainant to serve responses to all outstanding discovery requests by August 27, 2008. Complainant failed to comply with this Order.

4. On September 22, 2008, attorney Bucklin filed a motion to withdraw as counsel on behalf of Complainant after indicating that irreconcilable differences made further representation of Complainant impossible.

5. On October 23, 2008, an Order was entered, which granted Bucklin's motion to withdraw and directed Complainant to file a written report by November 21, 2008, indicating that she intended to proceed on her own behalf if she had not sooner found substitute counsel. The Order also put off for the moment Complainant's failure to serve responses to discovery requests and directed her to provide the Commission by November 21, 2008 with a telephone number where she could be reached during business hours should Complainant decide to proceed on her own behalf.

6. Complainant did not file a written report as required by the Order of October 23, 2008, and no legal counsel has entered an appearance on behalf of Complainant.

7. On December 18, 2008, Respondent filed the instant motion to dismiss due to Complainant's failure to proceed on this matter.

8. On December 23, 2008, an Order was entered that noted that Complainant had not provided the Commission with any contact information as required by the Order of October 23, 2008 and established a briefing schedule on the motion to dismiss. Complainant was also sent another copy of the Order of October 23, 2008.

9. Complainant has not filed a response to the motion to dismiss and has not otherwise provided the Commission with a report indicating her intention to proceed with the case as of the date of this Order.

10. The Commission has not received any returned mail containing Orders sent to Complainant at the address mentioned in the motion to withdraw filed by attorney Bucklin.

Conclusions of Law

1. A Complaint may be dismissed when a party engages in conduct that unreasonably delays or protracts proceedings. See, 56 Ill Admin Code, Ch XI §5300.750(e).

2. The Complainant has unreasonably delayed proceedings by failing to comply with Commission directives that would enable her to participate in the prosecution of this case.

Discussion

Under the Commission's procedural rules, an administrative law judge may recommend to the Commission that a complaint be dismissed where a complainant engages in conduct that unreasonably delays or protracts proceedings. (See, 56 Ill Admin Code CH XI §5300.750(e).) On review, the Commission has upheld the use of such discretion to dismiss complaints in circumstances which are analogous to the case at bar. See, for example, *Ramirez and Wasco Spring Company*, 40 Ill HRC Rep 266 (1988), and *Hariford and Mitsubishi Motor Manufacturing of America*, IHRC, 10629, August 16, 2000.

Here, the circumstances also indicate that Complainant's inaction has served to unreasonably delay these proceedings. Specifically, Complainant has failed to contact the Commission to provide it with contact information so that she can participate in future telephone conference calls and has failed to file a report indicating any intention to proceed in this matter. Moreover, Complainant has not filed a response to Respondent's motion to dismiss and has not sought any extension of time to file a response. Accordingly, Complainant's failure to comply with Commission Orders has resulted in an unreasonable delay in this case and renders it difficult for the Commission to take any action with regard to this case except to dismiss it. See, for example, *Foster and Old Republic General Services, Inc.*, IHRC, 5011, November 8, 1993.

Recommendation

Accordingly, I recommend that the Complaint and the underlying Charge of Discrimination be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

MICHAEL R. ROBINSON
Administrative Law Judge
Administrative Law Section

ENTERED THE 10TH DAY OF AUGUST, 2009